

Remarks

Claims 16-26, 28-31 have been rejected under 35 USC 102(b) as being anticipated by U.S. patent no. 5,926,166 (“Khederzadeh”).

Applicants respectfully traverse this rejection because the cited references do not disclose or suggest every element of every pending claim, as the following analysis shows.

Claims 19, 21, and 22 recite setting a flag in response to a condition. The rejection does not indicate that Khederzadeh explicitly discloses setting a flag for this purpose, but rather on page 3 of the Office Action the rejection states that setting a flag is ‘inherent’. If the term ‘inherent’ is intended to indicate that it is a required element, then the basis of the rejection is untrue. There are several ways to respond to a condition that do not involve setting a flag. Setting a flag may be one way to respond to a condition, but there are numerous other ways, so this element is not inherently required.

If the term ‘inherent’ is intended to indicate that it is an obvious choice (which Applicant disagrees with), then a rejection under 35 USC 102 is improper, since obviousness has no place in a rejection under 35 USC 102. Thus, regardless of the intended meaning of the term ‘inherent’, this rejection under 35 USC 102 is clearly improper.

If the examiner believes that a rejection on other grounds is appropriate, Applicant will respond to such a rejection after it is made in a future Office action. But Applicant cannot speculate at this time as to what that rejection might be, and therefore

cannot speculatively address any such rejection. For all the reasons given, withdrawal of the rejection under 35 USC 102, and withdrawal of the finality of the rejection, is respectfully requested.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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